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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,574	10/17/2003	Nitin Jhingan	END920030060US1 (16845)	2480
23389 7590 04/09/2007 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER CHEN, TE Y	
			ART UNIT 2161	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/688,574

Applicant(s)

JHINGAN, NITIN

Examiner

Susan Y. Chen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Feb. 13, 2007 has been entered.

This office action is in response to the amendment filed on Jan. 11, 2007.

Claims 1-19 are pending for examination, claim 19 has been amended.

Claim Rejections - 35 USC § 101

As set forth in MPEP 21 06(II)A:

Identify and understand Any Practical Application Asserted for the Invention The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject

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matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96),¹ In re Ziegler, 992, F.2d 1 197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)34. Accordingly, a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful.

Apart from the utility requirement of 35 U.S.C. 101, usefulness under the patent eligibility standard requires significant functionality to be present to satisfy the useful result aspect of the practical application requirement. See Arrhythmia, 958 F.2d at 1057, 22 USPQ2d at 1036. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make the invention eligible for patenting. For example, a claim directed to a word processing file stored on a disk may satisfy the utility requirement of 35 U.S.C. 101 since the information stored may have some "real world" value. However, the mere fact that the claim may satisfy the utility requirement of 35 U.S.C. 101 does not mean that a useful result is achieved under the practical application requirement. The claimed invention as a whole must produce a "useful, concrete and tangible" result to have a practical application.

The claimed invention is subject to the test of State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Specifically State Street sets forth that the claimed invention must produce a "useful, concrete and tangible result". The Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility states in section IV C. 2 b. (2) (on page 21 in the PDF format):

The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing. However, the tangible requirement does require that the claim must recite more than a §101 judicial exception, in that the process claim must set forth a practical application of that §101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had "no substantial practical application").

Claims 1-19, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claims 1, 24, and 44, the claimed invention merely comprises functional material that was intended to mapping a data source to a data destination, the recitation of phrase "for performing defined functions" does not represents any actual real world application to produce a concrete, tangible and useful results, hence, these claims are directs to non-statutory subject matter.

As to claims 2-6, 8-12, and 14-18, these claims have the same defects as their base claims respectively, hence are rejected for the same reason.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in

anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1, 7 and 13, applicant recites three steps of "using" of components without any active, positive operations delimiting how these using components are actually practiced. Furthermore, the use of phrase "can be modified..." is indefinite, because it is uncertain weather the recited limitations actually did happen.

As to claims 2-6, 8-12 and 14-19, these claims have the same defects as their base claims 1, 7 and 13 respectively, hence are rejected for the same reason.

Because the ambiguous nature of instant invention, the following art rejection is to the best the examiner is able to ascertain.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Michaelides (U.S. Publication No. 2004/0181753).

Claim 1:

Michaelides discloses a method for mapping data from source to a data destination [e.g., Abstract, lines 6-9], comprising the steps:

Providing a plurality of separate components for performing defined functions to map the data from the source to the destination [e.g., The title, Abstract, Fig. 6, section 0058], the plurality of components performing the steps of

i) using a first of the components for reading data from the source [e.g., the unit 103, Fig. 6 and associated texts, the use of the generic software adapter GUI to read/feed from source data at section: 0062];

ii) using a second of the components for receiving the data from the first of the components and for processing the read data according to a set of rules [e.g., units: 101, 102, 105, of Fig. 6 and associated texts]; and

iii) using the third of the components for receiving the data from the second of the component and loading the processed data into the destination [e.g., the unit 104, Fig. 6 and associated texts, a target feed is activated, data is load from the source feed and written to the target at section: 0062].

Wherein, each of the components is interactively operated independently of the others, and can be dynamically modified, adjusted, and replaced independently [e.g., sections: 0064 - 0067] to facilitate mapping data from a plurality of different data source into the data destination [e.g., sections: 0050-0051, Fig(s). 9-10 and associated texts].

Claim 2:

Except the features recited in claim 1, Michaelides further discloses the steps of

iv) verifying the integrity of the read data [e.g., the use of Verify Button at section: 0095; the use of Verified feed at section: 0191; the use of LdapUtilities at section: 0198]; and

v) logging results into a file [e.g., the use of GALogger at section: 0199].

Claim 3:

Except the features recited in claim 2, Michaelides further discloses a respective one of the components performs each of the steps (i) – (v) [e.g., the unit 50, Fig. 6 and associated texts].

Claim 4:

Except the features recited in claim 1, Michaelides further discloses that the data source is a flat file [e.g., the units: FileFeedDataSourceImpl, FixedFileFeedDataSourceReaderImpl, etc at section: 0202] and the destination is a database [e.g., section: 0203].

Claim 5:

Except the features recited in claim 2, Michaelides further discloses that the plurality of components perform the further step of sending the results, by e-mail to a configured list of email addresses [e.g., Fig. 14 and associated texts; section: 0193].

Claim 6:

Except the features recited in claim 1, Michaelides further discloses that the step of formatting the read data for placement in the data destination [e.g., the use of Formatting engine 102, Fig. 6 and associated texts].

As to claims 7-12 and 13-18, these claims recite the same features as claims 1-6 in form of a framework and program storage medium, hence, are rejected for the same reason.

As to claim 19, Michaelides further discloses the following as claimed, comprising:

the data destination is a database [e.g., section: 0064, the unit: 104, Fig. 1 and associated texts];

the step of providing a plurality of separate components includes the further step of using fixed length fields in the data source to the database for determining the start position, the length, what database column the fields map to, which database tables the fields map to, whether the fields can be updated or not, what kinds of formatting to be applied on the fields, for calling a formatter [e.g., the unit 102, Fig. 1] to reformat data from the data source and for managing transactions by starting a transaction when a first record is read and committing or rolling back a transaction when a defined record is encountered [e.g., Fig. 10 and associated texts]; and

the step of a system administrator updating the components during the use of the components [e.g., Sections: 0193-0198, Fig(s). 32-34].

Response to Arguments

Applicant's arguments filed on Jan. 11, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., 1) With the present invention, those users do not have to work with a single, worldwide uniform format, but instead can use what formats they are accustomed to using; 2) The present invention can map data in different formats into a single, common database by simply changing or replacing the appropriate component of the mapping process used with a particular individual) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to the rest of arguments, applicant merely rehashes issues already addressed on record, hence, the 35 U.S.C. 102(e) rejections are maintained.

Conclusion

To expedite the process of re-examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Y Chen
Examiner
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April 1, 2007